



STAFF REPORT

TO: Board of Zoning Adjustment (BZA)

DATE: May 12, 2015

RE: Case No. **15-104BZA**, a request for variances to **Section 151-6.3B (5)(b)** pertaining to the minimum front side setback, and an accessory structure being located forward of the principal dwelling unit; in a proposed Residential District. Such accessory structure placement will be in non-compliance of the 2011 Land Development Code (LDC) requirements.

Applicant/Owner: Daniel O'Neill

Application: 04/17/2015

Site Location: 29204 Ridge Road

S35 &36//1&2 | T52 &51 | R30

Site Size: 46+ acres

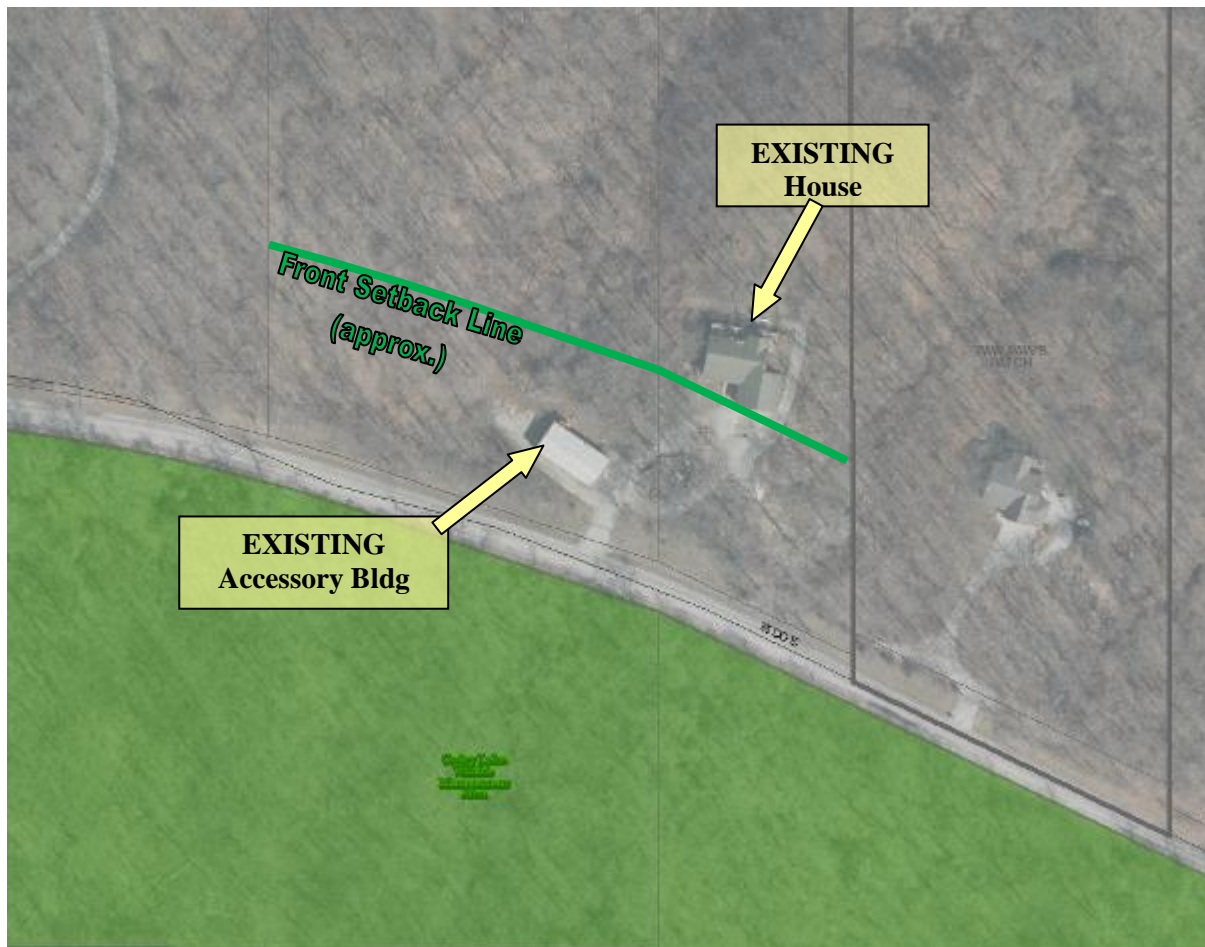
Existing Land Use and Zoning: Agricultural (AG) District

Zoning/Platting History: None

Surrounding Land Use and Zoning:

- North* – AG zoned land
- East* – Paw Paw's Patch (R-1A), AG zoned land
- South* – AG zoned land, Cooley Lake
- West* – AG zoned land, Cooley Lake

PHYSICAL CONDITIONS



Basemap made available by Clay County Assessor GIS/Mapping

REVIEW

Daniel O'Neill owns approximately 46± acres located at 29204 Ridge Road. The property is currently zoned Agricultural (AG) District [see *Attachment B*]. Mr. O'Neill desires to further subdivide his property into 2 lots, thereby requiring a rezoning to a residential classification and platting procedure in order to add one additional single family home [see *Exhibits A thru D*]. Due to

The petitioner is requesting variances to *Section 151-6.3(B)(5)(b)* pertaining to the minimum front side setback, and an accessory structure being located forward of the principal dwelling unit which are the following:

- 16-foot front side setback variance.
- Accessory structure located in front of principal dwelling unit

In review of a non-use variance request, the following approval conditions must be met [*Section 151-3.11D (2)*]:

- A. *"The requested variance arises from **conditions that are unique** to the subject property, that are not ordinarily found in the same zoning district and that are **not a result of the owner's intentional action**;"*

Staff Response: The attached **letter** and **Exhibits A thru D** has been presented by the petitioner.

- B. *"The granting of the permit for the Variance will **not be contrary to the public interest** and will **not adversely affect the rights of adjacent property owners or residents**;"*

Staff Response: Public Notice was published for this case in the Kearney Courier on April 30, 2015, and certified letters were sent on May 1, 2015 to the adjacent property owners at the addresses furnished by the applicant. Staff received a phone call from the adjacent property owner to the west of the subject property. The neighbor voiced concerns regarding quality of life by way of losing their view to the construction of a new single family residence nearby.

- C. *"The strict application of the provisions of which a Variance is requested will constitute an **unnecessary hardship** upon the property owner represented in the application;"*

Staff Response: The attached **letter** and **Exhibits A thru D** has been presented by the petitioner.

- D. *"**and, The Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.**"*

Staff Response: The subject property falls within the Rural Low Density Tier of the 2008 Clay County Comprehensive Plan. This request for variances will have no negative implications on the 2008 Comprehensive Plan

RECOMMENDATION

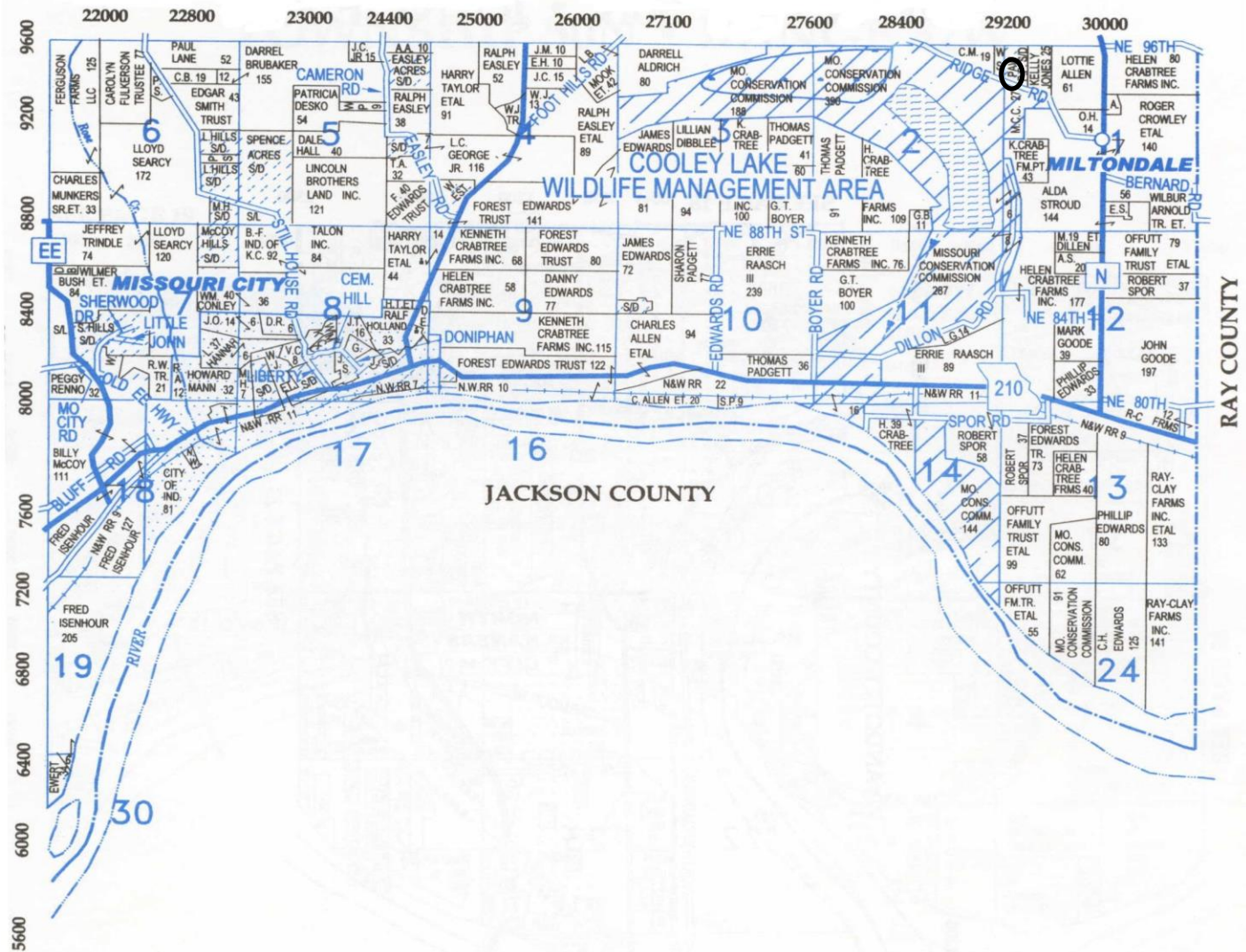
If the Board of Zoning Adjustment finds that the non-use variance approval criteria under Section 151-6.3(B)(5)(b) have been met, then the following variances are to authorize the request:

1. A 16-foot front side setback variance from *Section 151-6.3 (B)(5)(b)* to allow an existing accessory structure to remain inside the standard front side setback line, in addition to an allowance of an accessory structure to be forward of the principal dwelling unit.

15-104BZA – O'Neill

Attachment A – Vicinity Map

TOWNSHIP 51N • RANGE 30W



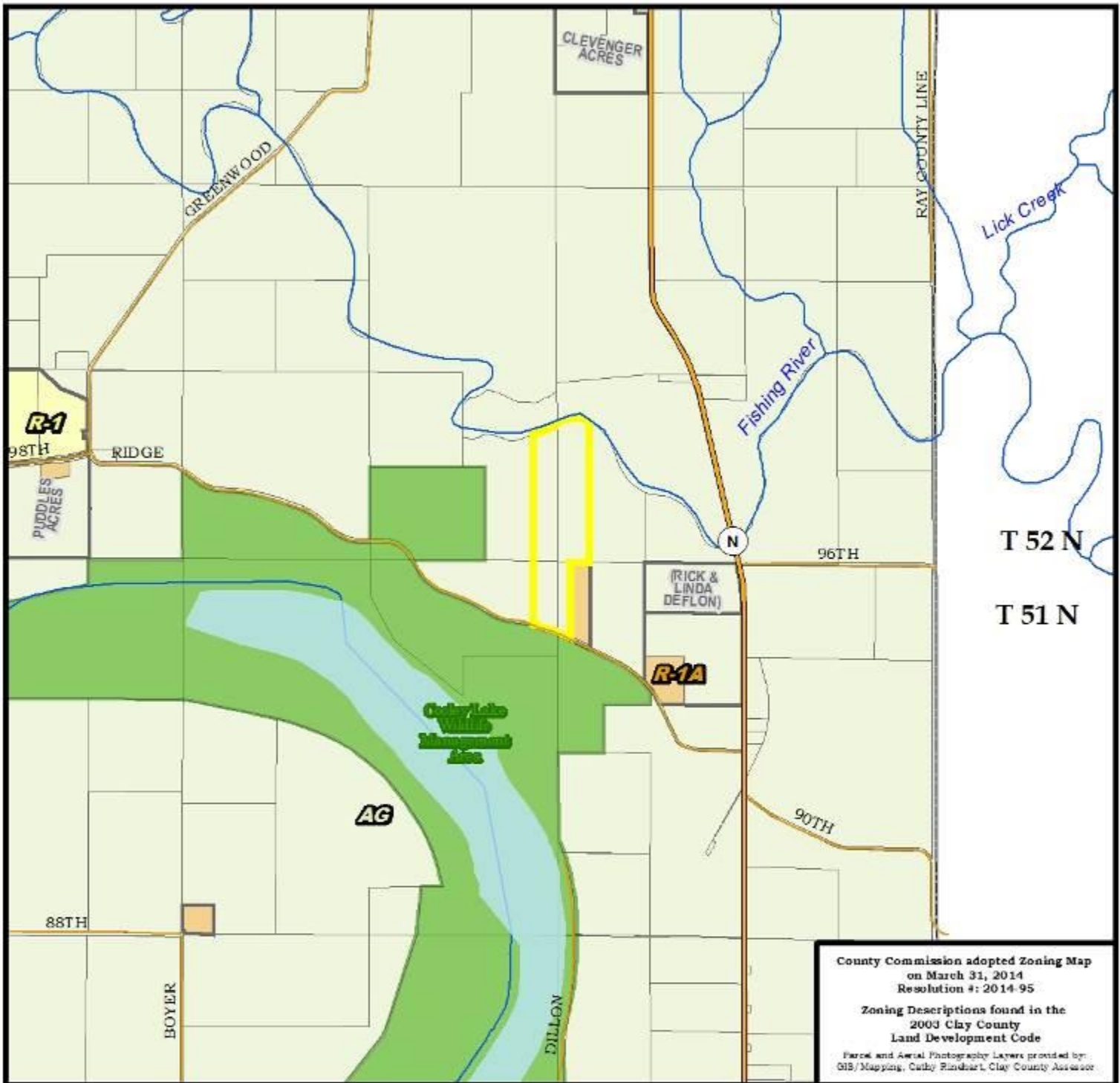
ADDRESS: 29204 Ridge Road

FROM Clay County Courthouse go **east** on **E Kansas St** turn **Right** on **N Lightburne St/MO 33**
Turn **Left** onto **Mill St/Highway H** (4.8 miles)
Turn **Right** onto **County Rd EE** (3.2 miles)
Turn **Left** on **210 Highway** (5.7 miles)
Turn **Left** onto **County Road N** (1.5 miles)
Turn **Left** onto **Ridge Rd** (.7 miles)

Destination will be on **Right**

15-104BZA – O'Neill

Attachment B - Existing Conditions Map



Planning & Zoning Department

1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- ~ Railroads
- ~ Interstates
- ~ State Highways
- ~ Local Roads
- ~ Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

Overlay Districts

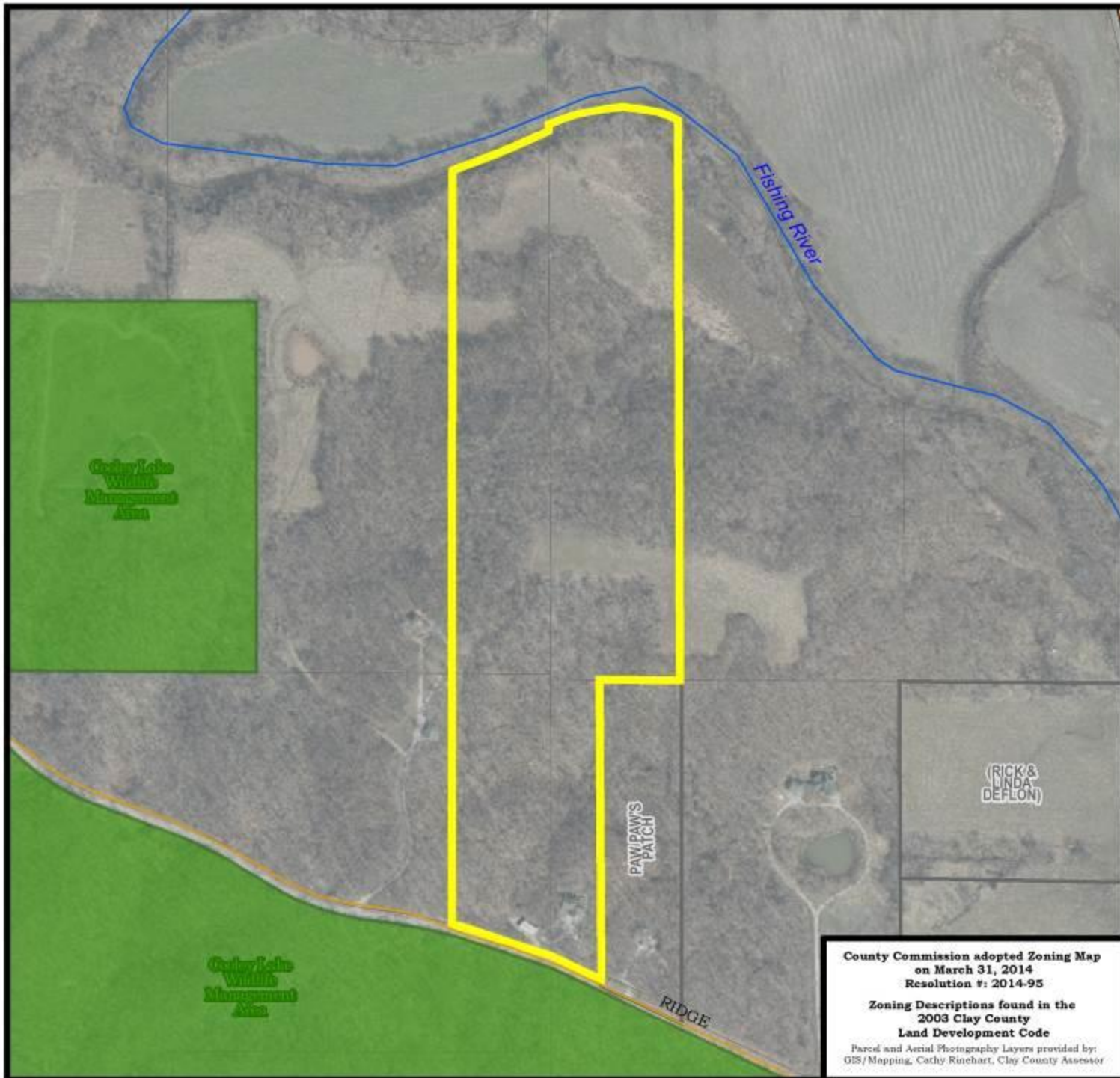
- CD (Conservation District)
- POD (Preservation Overlay District)
- PLD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

15-104BZA – O'Neill

Attachment C - Site Plan Map



Planning & Zoning Department



1 inch = 500 feet
1 inch = 0.09 miles

LEGEND

Property Line	Roads	Subdivisions
Streams (EPA)	Interstates	City Limits
Railroads	State Highways	Parks
	Local Roads	County Boundaries
	Highway Ramps	

15-104BZA – O'Neill

Exhibit A – Petitioner Letter

April 14, 2015

Clay County, Missouri
Board of Zoning Adjustment
234 W. Shrader Street, Suite C
Liberty, MO 64068

RE: Requested Variances for an Accessory Structure

Dear Board of Zoning Adjustment Members:

I'm sending you this letter in hopes for a consideration regarding the variances that involves an accessory building on my property located at 29204 Ridge Road. It is a metal barn structure measuring approximately 30' x 60', which sets close to Ridge Road, and also is located in front of my home. Presently, I am zoned Agricultural (AG) but am planning to divide off the existing house and barn, and then build a new house on the remaining acreage. As a result the lower lot that incorporates the existing house and accessory building would have to be rezoned to a residential classification and thus require all accessory buildings be to the side or rear of the principle structure, as well as a front side setback of 50 feet.

The building was built in approximately 2000 and has been in continued use since then. While it sets well off the road and doesn't obstruct the vision of drivers from either direction, we understand that it would not be allowed to be built in this location today.

There was really only one flat spot besides where the house was built and this is where they built the barn. We have not modified it in any way and certainly don't have any intention to. It does match the color of the house and does blend in nicely with the surroundings. It is well built, well kept and in perfect condition. There is a stand of trees between said barn and the roadway (please see attached photos).

This building does not raise any concern for public interest or safety and does not have any affect to any rights of any property owners neighboring our property. I hope this information is of assistance to you and the members of the Board of Zoning Adjustment. If you feel that there is other information that could help you come to a conclusion to resolve this matter and help us keep our building, please contact me. Thank you for taking the time to review this.

Sincerely,

Danny O'Neill
29204 Ridge Road
Excelsior Springs, MO 64024

15-104BZA – O'Neill

Exhibit B – Petitioner Pictures (page 01 of 02)



Accessory Structure - Looking West (Ridge Rd)

15-104BZA – O'Neill

Exhibit B – Petitioner Pictures (page 02 of 02)



House & Accessory Structure - Looking North (Ridge Rd)

15-104BZA – O'Neill

Exhibit C – Plot Plan (August 3, 1999)

